

Pro Se 7 (Rev. 10/16) Complaint for Employment Discrimination

United States District Court
for the
NORTHERN DISTRICT OF ALABAMA

2020 APR -8 A 10:38

U.S. DISTRICT COURT
N.D. OF ALABAMA**Plaintiff,**

(Write your full name. No more than one plaintiff may be named in a pro se complaint)

SALLY F. HATHCOCK
v. West Etowah Water Board
Roger Kimbrell
Steve Jennings
James Golden

Case No.:

4:20-cv-474-CUM
(to be filled in by the Clerk's Office)JURY TRIAL ☐ Yes ☐ No**Defendant(s),**

(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION**I. The Parties to This Complaint****A. The Plaintiff**

Name SALLY F. HATHCOCK
Street Address 6787 Old GALLANT Road
City and County GALLANT Etowah County
State and Zip Code AL 35972
Telephone Number 256 538-9232
E-mail Address (if known) SALLYhathcock@gmail.com

- ☐ Check here to receive electronic notice through the e-mail listed above. By checking this box, the undersigned consents to electronic service and waives the right to personal service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint. The Notice of Electronic Filing will allow one free look at the document, and any attached PDF may be printed and saved.

April 6, 2020
Date

Sally Hathcock
Participant Signature

II. Basis for Jurisdiction**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name Roger D. Kimbrell
 Job or Title (*if known*) Water Board Chairman
 Street Address 725 Kimbrell Circle
 City and County Attalla Etowah
 State and Zip Code AL 35954
 Telephone Number _____
 E-mail Address (*if known*) _____

Defendant No. 2

Name Steve Jennings
 Job or Title (*if known*) Vice Chairman Water Board
 Street Address 2111 Bull Hollow Road
 City and County Gallant Etowah
 State and Zip Code AL 35972
 Telephone Number _____
 E-mail Address (*if known*) _____

Defendant No. 3

Name James Golden
 Job or Title (*if known*) Board member
 Street Address 750 Thrasher Road
 City and County Altoona Etowah
 State and Zip Code AL 35952
 Telephone Number _____
 E-mail Address (*if known*) _____

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Defendant No. 4

Name _____

Job or Title (if known) _____

Street Address _____

City and County _____

State and Zip Code _____

Telephone Number _____

E-mail Address (if known) _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name West Etowah Water

Street Address 596 Gallant Road

City and County Attalla Etowah

State and Zip Code AL 35954

Telephone Number (256) 538 5947

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (specify the federal law):

Relevant state law (specify, if known):

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me
- ☒ Termination of my employment
- ☐ Failure to promote me
- ☐ Failure to accommodate my disability
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☒ Other acts (specify): harassed for my personal notes

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

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- B. It is my best recollection that the alleged discriminatory acts occurred on date(s):
October 22, 2019
- C. I believe that defendant(s) (check one):
- ☐ is/are still committing these acts against me
- ☐ is/are not still committing these acts against me
- D. Defendant(s) discriminated against me based on my (check all that apply and explain):
- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age (year of birth) 65 [REDACTED] 1954
(only when asserting a claim of age discrimination)
- ☐ disability or perceived disability (specify disability) _____
- E. The facts of my case are as follows. Attach additional pages if needed. _____
Attached is my charge - enclosed

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date): _____

12-6-2019

B. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Notice of Right to Sue letter

☒ issued a Notice of Right to Sue letter, which I received on (date): _____

January 11, 2020

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question:

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒ 60 days or more have elapsed

☐ less than 60 days have elapsed

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Payment of the mandatory retirement
they failed knowingly to follow. 4 yrs. 6 mon.
My wages up to my July 2020 Retirement
Age of 66

VI. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: April 6, 2020

Signature of Plaintiff: Sally F. Hathcock

Printed Name of Plaintiff: SALLY F. HATHCOCK

B. For Attorneys

Date of Signing: _____

Signature of Attorney: _____

Printed Name of Attorney: _____

Bar Number: _____

Name of Law Firm: _____

Street Address: _____

State and Zip Code: _____

Telephone Number: _____

E-mail Address: _____

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Sally F. Hathcock
6787 Old Gallant Road
Gallant, AL 35972

From: Birmingham District Office
Ridge Park Place
1130 22nd Street
Birmingham, AL 35205



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

420-2020-00503

EEOC Representative

Glenda J. Muldrow,
Investigator

Telephone No.

(205) 212-2138

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

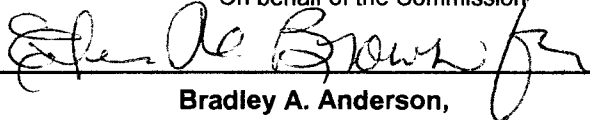
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Bradley A. Anderson,
District Director

JAN 08 2020

(Date Mailed)

Enclosures(s)

cc: West Etowah County Water Authority
Roger Kimbril, Board Chairman
596 Gallant Road
Attalla, AL 35954

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To:	Agency(ies) Charge No(s):
	<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	420-2020-00503
_____ and EEOC		State or local Agency, if any

Name (indicate Mr., Ms., Mrs.) Mrs. Sally F. Hathcock		Home Phone (Incl. Area Code) (256) 538-9232	Date of Birth 1954
Street Address City, State and ZIP Code 6787 Old Gallant Road, Gallant, AL 35972			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name WEST ETOWAH COUNTY WATER AUTHORITY		No. Employees, Members Unknown	Phone No. (Include Area Code) (256) 538-5947
Street Address City, State and ZIP Code 596 GALLANT ROAD, Attalla, AL 35954			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-08-2019 10-22-2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
12/6/2019 Sally Hathcock	SIGNATURE OF COMPLAINANT
_____ Date Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC 420-2020-00503</p>
<p align="center">_____ and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	

I am a member of the Protected Age Group (PAG), age 65. I was hired by the above-named employer on February 11, 1997 as a clerk. My most recent position was Office Manager, a promotion that was effective in November 2009. I performed my job in a satisfactory or better manner.

On October 8, 2019, I was demoted because of my age. The Board members held a closed-door meeting during which time no executive meeting had been called and no minutes were taken. When the official Board meeting convened I was demoted. The unprofessional and illegal action was witnessed by Board Attorney Jack Floyd. I was replaced by Barbara Cleveland, a member of the PAG, age 52, who made comments about my age and said I could not hear.

On October 6, 2019, I complained to Board Chairman Roger Kimbril regarding maintenance employee Matthew Pierce receiving unfair treatment in comparison to Maintenance Supervisor Kenny Smith regarding a non-work-related injury and continued work. As a result, Supervisor Smith was sent home.

On October 22, 2019, I was harassed by Vice Chairman Steve Jennings and Board Member James Golden regarding turning over my personal notes used to complete system updates. I provided them the official manual instructions however, I was intimidated and bullied into releasing my simplified version to which I operated. Upon their receipt of my personal notes, I was handed a letter, a notice of discharge, effective October 22, 2019.

I believe that I was discriminated against based on my age and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Age Discrimination in Employment Act of 1967, as amended.

AMENDED CHARGE

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center">12/6/2019 <i>Sally Hathcock</i></p> <p align="center">_____ <i>Date Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p align="center">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>